

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

DIGITAL-VENDING SERVICES
INTERNATIONAL, LLC,

Plaintiff,

v.

THE UNIVERSITY OF PHOENIX, INC.,
APOLLO GROUP, INC., and
CAPELLA EDUCATION COMPANY,

Defendants.

Civil Action No. _____

[Case pending in the U.S. District Court for
The Eastern District of Virginia, Case No.
2:09-cv-555]

DVSI'S MOTION TO QUASH THIRD PARTY SUBPOENA OR, IN THE
ALTERNATIVE, MOTION FOR PROTECTIVE ORDER

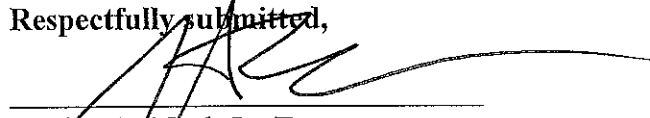
Plaintiff Digital-Vending Services International, LLC ("DVSI"), by counsel,
respectfully moves this Court to quash the third party subpoena *duces tecum* issued by
Defendants or, in the alternative, to enter a protective order.

In support hereof, DVSI submits the attached Memorandum of Points and
Authorities.

WHEREFORE, DVSI respectfully requests that the Court quash Defendants'
subpoena *duces tecum* or, in the alternative, enter a protective order preventing the
production of materials sought by the subpoena. A proposed order is attached.

Dated: June 11, 2010

Respectfully submitted,


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Counsel for DVSI

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 104(7), counsel for DVSI conferred with opposing counsel by teleconference on June 3, 2010, starting at approximately 12:35 EST, and was unable to resolve or narrow the issue in dispute. The participants were David Morris and Stephen L. Neal, Jr., counsel for DVSI; Doug Williams and Laura Borst, counsel for Capella Education Company; and Lauren Hoffer, counsel for The University of Phoenix and Apollo Group, Inc. Counsel for DVSI also consulted with Michael Nadel, counsel for Walden University, Inc., the recipient of the subpoena. The issue to be resolved by this Court is whether the requested confidential settlement materials are relevant or likely to lead to the discovery of admissible evidence.



Stephen L. Neal, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of June, 2010, I served a true and correct copy of the above via U.S. mail upon the following:

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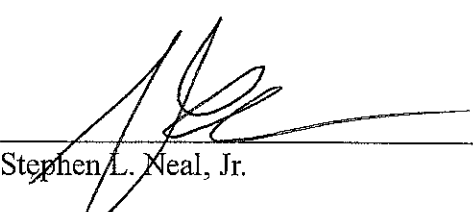
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